

**REMARKS**

**I. Status of the Application**

Following the above amendments, claims 1-10 and 17-21 are pending in this application. In the December 7, 2005 office action, the examiner withdrew claims 11-16 and 22 from consideration. In addition, the examiner rejected claims 1-10 and 20-21 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent no. 5,066,906 to Moore (hereinafter “Moore”). Finally, the examiner rejected claims 17-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Moore in view of U.S. Patent No. 5,364,290 to Hartman (hereinafter, “Hartman”).

In this response, applicants have amended claims 2, 4, and 7 and cancelled claims 1, 11-16 and 22. Applicants have also submitted formal drawings for Figs. 1-13. Applicants respectfully request reconsideration of pending claims 1-10 and 17-21 in view of the foregoing amendments and the following remarks.

**II. The Rejection of Claims 1-10 Under 35 U.S.C. § 102(b) Should Be Withdrawn**

In the December 7, 2005 office action, the examiner rejected claims 1-10 under 35 U.S.C. § 102(b) as being anticipated by Moore. Claim 1 has now been cancelled and claims 2, 4 and 7 have been amended.

As provided in MPEP § 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868

F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Moore reference does not disclose all the limitations of claims 2-10. For example, with respect to claim 2 the Moore reference does not disclose the rib limitations of claim 2. In particular, the Moore reference does not disclose an integrally formed housing including “a rib extending across at least a portion the display receptacle, the rib configured to retain the flexible conductor device in a predetermined position within the receptacle”. An embodiment of this limitation is shown in Figs. 9 and 10a, and described on pages 19-20 of the present application.

In the December 7, 2005 Office Action, the examiner cited column 6, lines 16-58 of Moore as disclosing “a rib extending across at least a portion of the display receptacle ...” as required by claim 2. Applicant respectfully submits that no such rib is disclosed in this portion or any other portion of the Moore reference. Instead, as shown in Figs. 3 and 4 of Moore, and in column 4, lines 1-21, the Moore reference discloses a rear support panel 227 with a connector slot 228 formed through the upper portion of the support panel 227. A resilient connector strip 32 resides within the connector slot 228 (see col. 6, lines 34-39 of Moore). Thus, while Moore discloses a rear panel with a slot, Moore does not disclose “a rib extending across at least a portion the display receptacle, the rib configured to retain the flexible conductor device in a predetermined position within the receptacle” as required by claim 2. Accordingly, because Moore does not include all the limitations of claim 2, the examiner’s rejection of claim 2 should be withdrawn.

Dependent claims 3-10 depend from and incorporate all the limitations of claim 2. Accordingly, it is respectfully submitted that dependent claims 3-10 are also allowable for at least the same reasons that independent claim 2 is allowable, as well as other reasons. For example, with respect to claim 10, Moore does not disclose the rib “having an L-shaped cross section.” Thus, Moore does not disclose all the limitations of dependent claims 3-10, and the examiner’s rejection of claims 3-10 should also be withdrawn.

### III. The Rejection of Claims 17-20 Under 35 U.S.C. § 103(a) Should Be Withdrawn

In the December 7, 2005 Office Action, the examiner rejected independent claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of Hartman. Applicant respectfully traverses the examiner’s rejection of claim 17 under 35 U.S.C. § 103(a), as the examiner has failed to make a *prima facie* case of obviousness under MPEP § 2142. In order to make a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. In this case, applicant submits that at least the limitation found in claim 17 of “the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate” is not suggested or taught by Moore or Hartman, alone or in combination.

#### A. Claim 17

Claim 17 is directed to a meter housing structure comprising a base plate, a cover having an open end including a periphery having a shoulder, and a first housing supporting a display element. The first housing includes a periphery having an outward

extending shoulder. The first housing also includes at least one flexible extension extending at an angle from the first housing outward extending shoulder, wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate. An embodiment of these limitations is shown in Fig. 13 of the drawings and described in the specification on page 21, line 11 to page 22, line 18.

B. Moore

In the December 7, 2005 Office Action, the Examiner stated that “Moore discloses ... a base plate (11) ... a cover (14) ... [and] a first housing (10) having a periphery ...”. The Examiner then stated, “Moore does not disclose the periphery having an outward extending shoulder, the first housing also including at least one flexible extension extending at an angle from the first housing outward extending shoulder ... wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward the base plate.”

C. Hartman

In the December 7, 2005 Office Action, the examiner argued, “Hartman discloses a periphery having an outward extending shoulder the first housing also including at least one flexible extension ... extending at an angle from the first housing outward extending shoulder: and wherein the cover shoulder engage the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate.” The Examiner suggested that these limitations could be seen from the abstract and Fig. 9 of Hartman. However, these limitations are completely missing from Hartman.

Applicant respectfully directs the Examiner's attention to Fig. 10 of Hartman which provides a partial sectional view illustrating the sealing engagement of a glass cover 70 with a knife edge rib 14A formed integral with a molded base 10. This figure also shows a metal ring 73 adjacent to both the cover 70 and the base 10. This Fig. 10 of Hartman would appear to provide the most analogous portions to the limitations of claim 17 in the present application. However, neither Fig. 10 of Hartman, nor any other portion of Hartman, discloses the limitation the examiner admits as missing from Moore. In particular, Hartman neither teaches nor suggests a "first housing having a periphery having an outward extending shoulder, the first housing also including at least one flexible extension extending at an angle from the first housing outward extending shoulder; and wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate" as set forth in claim 17. Because neither Moore nor Hartman, alone or in combination, disclose this limitation of claim 17, the examiner has failed to make a *prima facie* case of obviousness under MPEP § 2142.

For at least the reasons discussed above, the examiner has failed to make a *prima facie* case that claim 17 is unpatentable over Moore in view of Hartman. Accordingly, it is respectfully submitted that claim 17 is allowable and the examiner's rejection of claim 17 under 35 U.S.C. § 103(a) should be withdrawn. Should the Examiner maintain this rejection in any subsequent action, it is respectfully submitted that the Examiner should specifically point out where the identified limitations are found in the references.

Dependent claims 18-20 depend from and incorporate all the limitations of claim 17. Accordingly, it is respectfully submitted that dependent claims 18-20 are also

allowable for at least the same reasons that independent claim 17 is allowable, as well as other reasons. Thus, neither Moore nor Hartman, together or in combination, disclose all the limitations of dependent claims 18-20 and the examiner's rejection of claims 18-20 under 35 U.S.C. § 103 should also be withdrawn.

IV. Formal Drawings Enclosed

Applicant encloses herein formal drawings for Figs. 1-13 of the present application. Each new drawing is labeled "Replacement Sheet" in the top margin. Entry of these formal drawings in place of the informal drawings originally filed with the application is respectfully requested.

V. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,



Russell E. Fowler II  
Attorney Registration No. 43,615

Please address correspondence to:

Harold C. Moore  
Maginot Moore & Beck  
Chase Tower  
111 Monument Circle, Suite 3250  
Indianapolis, Indiana 46204-5115

Telephone: (317) 638-2922  
Facsimile: (317) 638-2139  
Email: [hcmoore@maginot.com](mailto:hcmoore@maginot.com)